

Remark

Applicants respectfully request reconsideration of this application as amended. Claims 1, 2, 4, 9, 10, 12, 17, 18 and 20 have been amended. Claims 3, 11 and 19 have been cancelled. Therefore, claims 1-2, 4-10, 12-18 and 20-25 are present for examination.

Double Patenting

Claims 1-23 are rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No U.S. 6,594,825. While Applicants do not concede the alleged obviousness, a terminal disclaimer is enclosed herewith in order to expedite prosecution.

35 U.S.C. §102 Rejection

White

The Examiner has rejected claims 1, 5, 8, 9, 13, 16, 17 and 21 under 35 U.S.C. §102 (b) as being anticipated by White et al., U.S. Patent No. 5,596,373 ("White"). White's Figure 15B shows a screen display titled "Other Times" in which date, time and channel is shown for additional broadcasts of the movie "Philadelphia." As can be seen in Figure 15B, the date and channel are the same for each listing only the time is different, but the time differences have not been highlighted in any way to distinguish them from the date and channel information.

In e.g. Claim 1, the differences in characteristics are identified and then highlighted to the user. If there are a large number of different characteristics, this makes it much easier for a user to identify the differences and make a selection.

In addition, in e.g. Claim 1, the characteristics are video and audio quality (page 7, line 9) characteristics. The specification provides examples of different types of audio starting on page 16, line 22 and e.g. different screen formats on page 18, line 11, although additional different audio and video quality characteristics may be considered as they exist or become available over time.

The display of time as in White is one aspect of the conventional program guide that is concerned solely with the name of the program, the channel and the broadcast time. (Conventionally additional information may be obtained by selecting a program but not in the guide.) Applicants suspect that the Figure 15B display may be possible in many conventional program guides, merely by searching for "Philadelphia". Such a search result would provide all occurrences together with the conventional information of channel and time. The conventional concern with only these three aspects stems from conventional broadcast television technology. Typically in the US, all broadcasts are presented with the maximum possible quality. NTSC provides at best color 480i with Dolby Surround Sound and at worst black and white 480i with monaural sound. The quality of the broadcast is normally determined by the how they were originally produced. For any one particular show, the only significant distinguishing factor is the time of the broadcast as shown in White. Accordingly, there is no motivation to search, present or highlight any other information.

With the advent of different video formats (ATSC, DVD, HDTV) and various digital sound formats, the quality of the audio and video may vary depending on the program source, the broadcast medium, or the choice of the broadcaster. The present invention presents completely different information from White in a new way. According to e.g. Claim 1, The descriptive information comprises audio and video quality characteristics. There is absolutely nothing in

White to suggest considering this untraditional information, nor identifying differences in this information nor highlighting those differences to a user.

35 U.S.C. §103 Rejection

White

The Examiner has rejected claims 2, 3, 10, 11, 18 and 19 under 35 U.S.C. §103 (a) as being unpatentable over White et al., U.S. Patent No. 5,596,373 (“White”). The Examiner takes Official Notice that displaying differences is well known in EPG systems. Applicants believe that highlighting differences in the context of the present application is novel, and request that the Examiner provide a reference to support such Official Notice if this rejection is maintained.

35 U.S.C. §103 Rejection

White in view of Wugofski

The Examiner has rejected claims 4, 6, 7, 12, 14, 15, 20, 22, and 23 under 35 U.S.C. §103 (a) as being unpatentable over White et al., U.S. Patent No. 5,596,373 (“White”), in view of Wugofski, U.S. Patent No. 6,003,041 (“Wugofski”). Wugofski fails to teach or suggest the features discussed above with respect to White and accordingly, this rejection is respectfully traversed.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

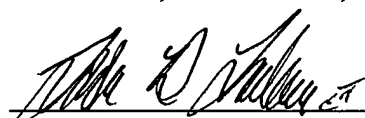
Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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